

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and in response to the final Office Action dated January 27, 2009, which set a three-month period for response, making a response due by April 27, 2009.

Claims 1-5 and 7-34 are pending in this application.

In the final Office Action, claims 22-24, submitted in the amendment of October 8, 2008, were withdrawn from consideration on grounds they are directed to an invention that is independent or distinct from the invention originally claimed and include features that were not previously a part of the original claims. Claims 1-5 and 7-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/104773 A1 to Krondorfer. Claim 1 was rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of copending application 10/578,201.

With regard to the double-patenting rejection, the Applicants shall file a terminal disclaimer with regard to copending application 10/578,201.

Regarding the restriction requirement imposed with regard to newly added claims 22-34, the Applicants disagree with the Examiner's restriction. Since the embodiment of the different elements of the insertion tool, especially in respect to each other, depend on their dimensions, the originally filed claims and new claims 22 to 34 relate to the same invention and the newly included features also belong to the features of the originally filed claims, respectively. The Applicants

direct t Examiner's attention to the application at page 1, lines 24 through page 2, line 4). Therefore, withdrawal of the restriction is therefore respectfully requested.

Turning next to the substantive rejections of the claims, claims 1 and 11 have been amended to more clearly define the present invention over the Krondorfer reference. Krondorfer et al disclose a hub with a first (104) and a second fastening means (314) which interacts with a fastening element (306) of a sheet metal plate (308) of a slaving device (300). The fastening element (306) is inserted into the second fastening means (314) during installation and fastened to the hub due to a force connection between an edge (310a) of the fastening element (306) with a region located adjacent to the recess (314) (see Krondorfer et al, page 6, paragraphs [0069] to [0075] as well as Figs. 15 and 16).

The Krondorfer et al reference teaches embodying the second fastening means as a basically rectangular recess (part of 314) which abuts a releasing region which is also embodied as a basically rectangular recess.

Krondorfer et al has the disadvantage that a releasing process of a cutting disc comprising the hub from the slaving device (300) is time consuming and especially unhandy. During the release of the cutting disc the cutting disc is moved in counter clockwise direction. Thus, the fastening element (306) is released from the second fastening means or a retaining region where the fastening element (306) is accommodated during a mounted state of the hub to the slaving device (300) and moves into the releasing region. The counter clockwise rotation of the cutting disc is interrupted by the jolting of the fastening element (306) to a border located at the side of the recess (314) facing in

clockwise direction. This jolting signals a user, who performs the rotation of the cutting disc, that the fastening element (306) is disengaged or unlocked from the retaining or fastening region of the recess (314) and that the cutting disc can be dislodged from the slaving device (300). Consequently, a user would pull the cutting disc in an axial direction. But unfortunately the edge (310a) would be stuck at the border of the recess (314). Hence, the user had to rotate the cutting disc back in the clockwise direction to unlatch the cutting disc from the slaving device (300). This leads to an uncomfortable, annoying and not tolerable unpleasantness for the user.

The present application solves this problem and overcomes this disadvantage due to the new features of amended claims 1 and 11, namely, by integrating advantageously *a blocking element (76)* which is designed as a bulge and abuts a radially inner slot and extends into a releasing region (66) and *provides a stop (78) to limit a releasing motion* of the fastening means (40) of the driving device (22). Moreover, according to the blocking element (76) the second fastening means (42) of the insertion tool (12) has a *third region (70) embodied as a recess which is intended to alleviate a releasing of an retaining element (50) of the fastening means (40) of the driving device (22) during a releasing process of the insertion tool (12) from the driving device (22).*

Due to these new features a handy and user friendly device can be provided. Moreover, due to the embodiment of the opening (42) as two slots that abut each other along part of their long sides a stable retention of the hub (16) can be obtained. Further, according to the specialized shape of the opening (42)

a simple and economical to produce fastening means (40) can be advantageously constructed which can be fast and easy be dislodged from the hub (16). In addition, the device provides a construction which efficiently and safely prevents a laterally-reversed installation and thus a wrong and dangerous installation of the insertion tool (12) due to the than existing arrangement or orientation of the blocking element (76) relative to the fastening means (40) of the driving device (22) (see present application, page 5, lines 6 to 12 and lines 25 to 27).

The Krondorfer reference doesn't disclose a blocking element which is embodied as a bulge that abuts a radially inner slot and that extends in a releasing region of recess (314). Moreover, due to the missing blocking element no separate or specialized region of the recess (314) is provided which is intended to alleviate a releasing of the edge (310a) of the fastening element (306) of the sheet metal plate (308) during a releasing process of the cutting disc from the slaving device (300). Rather, Krondorfer teaches to embody the releasing region of the recess (314) as basically rectangular.

The Applicants respectfully disagree with the Examiner's view that the embodiment of the second fastening means (42) of the hub (16) is purely a choice of design. To construct the fastening means (42) purposefully to fulfil these sophisticated functions, namely to provide a stable fixation, a safe mounting concerning the orientation of the inserting tool (12) and finally to provide a handy and easy dislodgment of the insertion tool (12) from the driving device (22) is an inventive task. Krondorfer provides no motivation to one skilled

in the art which would have led him at the time the invention was made to the structure of amended claims 1 and 11. Since Krondorfer et al neither discloses nor teaches the all of the features of amended claims 1 and 11, the claims as amended are not unpatentable over this reference.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

Therefore, the application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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